

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14468, as amended, of Djahanquir Darvich, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct an addition to a nonconforming dwelling in an R-1-B District at premises 1452 Foxhall Road, N.W., (Square 1363, Lot 924).

HEARING DATE: July 23, 1986

DECISION DATE: July 30, 1986

FINDINGS OF FACT:

1. The site, known as premises 1452 Foxhall Road, N.W., is located on the west side of Foxhall Road between Q Street and MacArthur Blvd. It is in an R-1-B District.
2. The site is basically rectangular in shape with a frontage of 30 feet and 11 inches along Foxhall Road and an average depth of 190.38 feet. It is improved with a one story structure measuring approximately 20.2 feet by 46.4 feet.
3. The dwelling was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. At that date, the property became non-conforming. A R-1-B District requires a lot area of 5,000 square feet. The site provides 5,399 square feet. The lot width required is 50 feet. The site provides 30.11 feet. The rear yard depth required is 25 feet. The site provides 68 feet. The south and north side yards require a width of 6.5 feet and 8 feet respectively. The site provides 6.5 feet and 1.92 feet. The lot occupancy (40%) allows a structure of 2,159.6 square feet. The existing structure occupies 1,085.2 square feet.
4. The R-1-B District extends to the north and south of the site. An R-3 District is located to the east and an R-5-A District is to the west.
5. Djahanquir Darvich purchased the site from John M. Rason since the application was advertised and is the proper applicant.
6. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the side yard requirements (Sub-section 3305.1) to construct an addition to a nonconforming dwelling. The addition

constitutes 598.0 square feet resulting in a structure with a total square footage of 1,683.2 square feet.

7. The proposed addition will allow the applicant to occupy the dwelling with his family of four. The house as it exists, containing only two bedrooms, a living room, kitchen, bath and small storage area, will not accommodate the family.

8. The proposed structure will incorporate the existing house. It will be three stories in height and will include three bedrooms, a den and several porches.

9. At the north side, the proposed structure will maintain the 1.92 foot setback at the ground level and will slope inward gradually to eight feet at the top level.

10. The south side yard setback will remain at 6.5 feet, the minimum required under Sub-section 3305.9 as to buildings existing by May 12, 1958.

11. If the required eight foot side yard were provided, the width of the resulting structure would be approximately 14 feet.

12. An average rear yard of 68 feet will be provided. The structure will not exceed the allowed lot occupancy.

14. The neighboring property owners to the south of the site testified in opposition to the application. In their opinion the proposal is for a new structure not an addition. They argued that most of the existing homes in the neighborhood are nineteenth century frame houses. The "new" houses that have been built in the past 25 years have been traditional brick houses. New owners who have restored the old houses have maintained the old look, so that all the houses are compatible. In sharp contrast, the plans for the new house to be built at 1452 Foxhall include a white concrete finish and blue mirror windows, more suggestive of a commercial building than a home, at least in the community.

In addition, they considered the requested variance to be a relatively minor technicality in comparison with the magnitude of the planned construction. Rather than an "addition to a non-conforming dwelling," the only significant feature of the present structure which is retained as a recognizable component is the non-conforming width. The present small one story cottage will be completely swallowed up by a large new structure which will be totally non-conforming. They argued that the planned structure will be more than twice as big; with 20 feet added in back, 16.9 inches added in front, and a completely new second story. The resultant length will be over 80 feet and by

using the existing non-conforming width of the present building, the new house will be less than two feet from the line on one side and approximately 6.5 feet on their side. The opposition urged that the applicant be requested to reconsider the design of the planned structure to make it more compatible with the other homes in the neighborhood.

15. The Board finds that the applicant is required to seek but one relief from the requirements of the Zoning Regulations, that governing the width of the north side yard.

16. Advisory Neighborhood Commission 3B filed no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Zoning Regulations require a side yard setback of eight feet. The applicant proposes to provide a side yard of 1.92 feet requiring a variance of 6.08 feet or 76 percent. The Board concludes that the applicant has met the burden of proof. The existing structure is a nonconforming structure which is now only 1.92 feet away from the north side property line. The lot is also nonconforming as it does not meet the current minimum lot width requirements of 50 feet. Since the lot is only 30.11 feet wide, a proposed addition built as a matter-of-right could only be approximately 14 feet wide. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 9 of the record.

VOTE: 3-0-1 (Charles R. Norris, William F. McIntosh, Paula L. Jewell to grant; Carrie L. Thornhill to abstain).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 10 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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